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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,811	08/07/2001	Francis De Smet	DESM3001/JEK	8897

23364 7590 12/08/2003

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EXAMINER

TRUONG, CAM Y T

ART UNIT PAPER NUMBER

2172

DATE MAILED: 12/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,811

Applicant(s)

SMET, FRANCIS DE

Examiner

Cam Y T Truong

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**. DETAILED ACTION**

1. Claims 1-16 are pending in this Office Action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7, 8, 9, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739).

As to claim 1, Cupps teaches the claimed limitations:

"searching information on the internet" as a consumer searches the menus associated with the World Wide Waiters on Wheels office within their delivery location. Word Wide Waiters is one such service in which each consumer and participating restaurants are linked via the Internet to the Word Wide Waiter server (col. 1, lines 14-57),

"using at least one human search assistant who helps a user when searching for information on the internet" as a PizzaNet is online ordering system that provides Internet consumer with a web site including menus of participating pizza restaurants. To place an order, consumers enter their zip code, telephone area code, and the first three digits of their phone number. A list of participating pizza restaurants within the consumer's location is provided along with their menus. The consumer can then select the restaurant of his or her choice and order from its menu on the Internet. This information shows that the PizzaNet helps a user when search for

restaurants on the Internet. The PizzaNet is represented as a human search assistant (col. 1, lines 63-67; col. 2, lines 1-5).

Cupps does not explicitly teach the claimed limitation “wherein such this human search assistant is a specialist in searching on the internet”. However, Cupps teaches the PizzaNet is online ordering system that provides Internet consumer with a web site including menus of participating pizza restaurants. To place an order, consumers enter their zip code, telephone area code, and the first three digits of their phone number. A list of participating pizza restaurants within the consumer’s location is provided along with their menus. The consumer can then select the restaurant of his or her choice and order from its menu on the Internet. Since the PizzaNet guides a consumer how to search a restaurant within the consumer’s location by providing a list of restaurants including restaurants addresses and a consumer can base on this information to search a menus or a particular restaurant; thus, the PizzaNet can be a specialist in searching on the Internet (col. 1, lines 63-67; col. 2, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Cupps’s teaching of the providing a PizzaNet online ordering system to Internet consumers with a web site including menus of participating pizza restaurants within consumers’ locations, the consumers can select the restaurant of his or her choice and order from its menu in order to save time for a user search information on the Internet system and help users to search information easily.

As to claim 2, Cupps teaches the claimed limitation “wherein the human search assistant assists the user by searching on internet and indicates to the user were the information the user is

looking for can be found in the World Wide Web or where the user should be looking in the World Wide Web or giving the information found in the Word Wide Web” as when a user select the restaurant of his or her choice and order from its menu, the PizzaNet receives the order and faxes to the restaurant a copy of the order. This information shows that the PizzaNet has to search the selected restaurant on the Internet to fax a copy of the order to the restaurant. The PizzaNet provides a list of restaurants within user’s location. It means that it shows a user where the user should be looking in WWW (col. 2, lines 1-7).

As to claim 3, Cupps teaches the claimed limitation “wherein the human search assistant has such expertise in searching on the internet that the assistant can be considered a web librarian and is able to give more information than the place to look in the Word Wide Web and is able to supervise the user in consulting the internet” as since the PizzaNet provides a list of restaurants within a user’s location to help the user search; thus the PizzaNet can be called a web librarian (col. 2, lines 2-5).

As to claim 5, Cupps teaches the claimed limitation “including conducting a dialogue between the user and the human search assistant takes place on line and real time” as the online order procedure transmits a notification to the customer indicating the status of an order. The notification can include an expected delivery time (col. 11, lines 20-26).

As to claim 7, Cupps teaches the claimed limitation “including offering the user is offered a visual representation of the human search assistant” as displaying a GUI of Pizza to allow a user select a restaurant (fig. 8).

As to claim 8, Cupps teaches the claimed limitation “including consulting the human search assistant via a device selected from the group consisting of: a computer, a mobile phone, a palmtop or an interactive television apparatus, or the set-top box associated therewith” as online ordering machine is consulted via client computers (fig. 1).

As to claim 9, Cupps teaches the claimed limitation “including using several human search assistants on the website” as Pizza and Enzo’s Delivery on the website of only ordering machine Cybermeals. Pizza and Enzo’s Delivery are represented as assistants (figs. 8-9).

As to claim 13, Cupps teaches the claimed limitation “wherein the human search assistant assists the user when searching for services” as Pizza assists the user when searching restaurants (fig 8).

As to claim 16, Cupps teaches the claimed limitation “including communicating with the user in the user’s own language, with or without simultaneous translation” as consumers enter their zip code, telephone area and the first three digits of their phone number to place an order (col. 1, lines 65-67).

4. Claims 4, 6, 10-11, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Smith et al (or hereinafter "Smith") (US 2002/0087505).

As to claim 4, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "the human search assistant makes uses of search engines for searching on internet".

Smith teaches that an Internet service Provide searches information base on user's request by using not to be limited to search engines being formed solely with the search engine server similar to search engine server 308 (page 3, lines 1-18, lines 14-32).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Smith's teaching of Internet service Provide searches information base on user's request by using not to be limited to search engines being formed solely with the search engine server similar to search engine server 308 to Cupps's system in order to find the best prices or information and closest locations for users.

As to claim 6, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including using voice recognition via the internet to carry out the user's communication with the human search". Smith teaches that the system provides a voice call in which a consumer's user terminal may be connected to a vendor for a specified location. Since the system provide a voice system to allow consumers to order the products, thus, the system has recognized voice of consumers to return results to consumers (page 6, lines1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Smith's teaching of providing a voice call in which a consumer's user terminal may be connected to a vendor for a specified location to Cupp's system in order to provide a plurality of different types of contact information for each store to a user or any disability user for searching information on Internet conveniently.

As to claim 10, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "including enabling contact of the same search assistant by the user by means of voice recognition, iris recognition or fingerprint recognition". Smith teaches that the system provides a voice call in which a consumer's user terminal may be connected to a vendor for a specified location. Since the system provide a voice system to allow consumers to order the products, thus, the system has recognized voice of consumers to return results to consumers (page 6, lines1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Smith's teaching of providing a voice call in which a consumer's user terminal may be connected to a vendor for a specified location to Cupp's system in order to provide a plurality of different types of contact information for each store to a user or any disability user for searching information on Internet conveniently.

As to claim 11, Cupps discloses the claimed limitation " including using one or more head human search assistants having below them a number of specialized adjunct human search assistants who each is specialized in one or more fields, and wherein the head human search



assistant directs a call the head human search assistant receives towards one of those specialized adjunct human search assistants” as Cybermeals which is represented as head human search assistants, are present having services such as Pizza, Ezo’s Delivery (figs. 8-9). Cupps does not explicitly teach the claimed limitation “whereby a head human search assistant directs the call he receives toward one of those specialized adjunct human search assistants”. Smith teaches that the hold request is transmitted from the consumer’s user terminal to the search engine server 308. The search engine server 308 then generates a hold request and transmits it to the vendor server. A user can form a search by way of a phone (page 4, lines 35-45; page 21-25).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Smith’s teaching of transmitting requests by phone from server 308 to vendor server to Cupps’s system in order to retrieve or return a result to a user.

As to claim 14, Cupps discloses the claimed limitation subject matter in claim 13, except the claimed limitation “wherein said services comprise on-line shopping, price and product comparison”. Smith teaches services include on-line shopping. A consumer can search product or service price and then the system provides links to trigger purchase routines upon consumer selection indicating that the consumer would like to purchase the listed product (figs. 4-6, page 3, lines 44-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Smith’s teaching of services includes on-line shopping. A consumer can search product or service price and then the system provides links to trigger purchase routines

upon consumer selection indicating that the consumer would like to purchase the listed product to Cupps's system in order to allow users can buy any product any time.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Madnick et al (or hereinafter "Madnick") (USP 5913214).

As to claim 12, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the human search assistant re-formulates an information request of the user into a adapted request which is applied better on the search robots than the aforementioned information request".

Madnick teaches that the system translate a user's request and transmit the translated query to www pages 612, 612', and 612" to search information. These WWW pages are represented as search robots (col. 9, lines 55-60).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Cupps's teaching of translating a user's request and transmitting the translated query to www pages 612, 612', and 612" to search information to Cupps's system in order to retrieve data from heterogeneous data sources in response to a query.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps et al (or hereinafter "Cupps") (USP 5991739) in view of Letovsky et al (or hereinafter "Letovsky") (US 2002/0147047).

As to claim 15, Cupps discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the human search assistant composes programs for the user consisting of films, television or radio or music programs which are provided via the Internet". Letovsky teaches that a system includes a television and a movie server that stores movies (page 16, col. Right, lines 55-60, col. Left, lines 53-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Letovsky's teaching of a system includes a television and a movie server that stores movies to Cupps's system in order to allow users can search/retrieve movies via TV at home.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teper et al (USP 5815655).

### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703 -605-1169).

The examiner can normally be reached on Mon - Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703-305-4393). The fax phone number for organization where this application or proceeding is assigned is (703-308-9051).

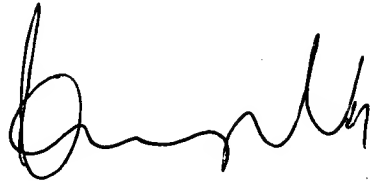
Application/Control Number: 09/922,811  
Art Unit: 2172

Page 11

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

11/13/03



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